



CITY OF MORGAN HILL

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JANUARY 22, 2002

PRESENT: Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Sullivan called the meeting to order at 7:02 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

There being no persons present to address the Commissioners, the public hearing was closed.

MINUTES:

JANUARY 8,
2002

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE JANUARY 8, 2002 MINUTES, WITH THE FOLLOWING AMENDMENTS:
Page 2, paragraph 8, add: (*following conditional use*) UNDER P.U.D.
Page 6, paragraph 6: 52-inch foot
Page 7, top of page: *change (lesser percentage)* 35%; indicate in L5: keep landscape at 60% at curb cuts.
Page 12: New paragraph 3: Commissioner Lyle expressed severe misgivings regarding the potential for increased costs of potentially thousands of dollars for upkeep and maintenance of City facilities should the recommendations be adopted.
Page 12: Restated motion: COMMISSIONERS MUELLER/WESTON MOTIONED TO FORWARD THE REPORT TO THE CITY COUNCIL WITHOUT

RECOMMENDATION, AND INCLUDING THE COMMENTS:

COMMISSIONERS BENICH AND SULLIVAN OBJECT TO THE INCREASE OF A 4,500 SQ FT REQUIREMENT FROM 3000 SQ. FT.; COMMISSIONER MUELLER INDICATED THAT THE PLAN SHOULD BE 'RESPONSE TIME DRIVEN'. THE MOTION CARRIED BY THE UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT, WITH ACEVEDO AND McMAHON ABSENT.

Page 12/ANNOUNCEMENTS: The applicant may initiate proceedings for a General Plan Zone change; if that passes, it will make use permit issuance easier.

THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, SULLIVAN, WESTON; NOES: NONE ; ABSTAIN: MCMAHON; ABSENT: NONE.

OLD BUSINESS:

**1) ZA-01-18/
SD-01-04/DA-01-02:
MCLAUGHLIN-
JONES** A request for approval of a 9 lot subdivision of a 2.15 acre parcel located on the east side of McLaughlin Ave., north of Central Ave. in the R-2 3,500 zoning district. Also requested is the approval of a precise development plan (RPD zoning designation) and the approval of a project development agreement. A mitigated negative declaration is proposed.

PM Rowe reported this matter was continued from December 4, 2001 when the Commission indicated that they would like to see all of the properties involved designed as a single Residential Planned Development (RPD). This would include the 5-unit micro Measure P development and the remaining undeveloped properties east of McLaughlin avenue and north of E. Central Avenue, east to the railroad tracks. The applicant indicated willingness to submit a revised RPD application encompassing all of the listed properties. The application was continued to tonight's meeting to allow the applicant time to expand the RPD application. A subsequent meeting between Staff and the applicant revealed the applicant's resistance to submit the RPD as previously indicated. PM Rowe called attention to a letter from the applicant's attorney, which had been hand delivered to the Planning Department January 17, 2002 and addressed to the City Attorney, which raised several points of legal issue analysis and the attorney's conclusion that "the City has a duty to approve the application". PM Rowe further indicated that the Planning Department had previously asked for an opinion on the matter from the City Attorney, but due to the press of other matters in that office, a response has not yet been received. PM Rowe told Commissioners that even though the direction had been clear from the Commission at the December 4, 2001 meeting, the applicant stated to staff that he believed the Commission intended to proceed with the 9-lot subdivision as requested, then re-zone the area later. The applicant, he said, wants action at this meeting regarding the 9-lot subdivision separate from the zoning. "Staff recommendation this evening," PM Rowe disclosed, "is that the Commissioners discuss the matter and provide direction to staff on how to proceed." He continued that staff had understood that the Commissioners linked the two actions as one, but the applicant disagrees, requesting that the subdivision be addressed at this time with the zoning considered later. PM Rowe said Planning Department contact with the City Attorney's office indicates the City Attorney is reviewing still the Measure P applications and the applicant's attorney's arguments to

determine the appropriateness of action.

Chair Sullivan and Commissioner Lyle interjected recollections that the Commission had been clear in stating that the 9-lot subdivision would not be considered separately from a re-zone request. Commissioners requested PM Rowe to review the action on this matter. He complied: An application for 5 micro Measure P applications was granted to the applicant. The applicant subsequently came in to modify the 5-lot map with a lot line adjustment and providing for the inclusion of 4 additional lots, resulting in the current request of a 9-lot subdivision. Commissioners agreed that was accurate; it was also indicated by PM Rowe and the Commissioners that the Commission had indicated non-support of ~~this~~ any plan *without* the submittal of an RPD to encompass the properties in the area east of McLaughlin avenue and north of E. Central Avenue, east to the railroad tracks - that the desire was to see a Master Plan for all the area. Clarification was further assisted when Commissioner Weston referenced previous discussion in Commission minutes. PM Rowe told Commissioners, "Yes, but the applicant came back asking for further development - the 5 approved micros and the 4 exempt; even though he (the applicant) had previously agreed with the request of the Commission to proceed only with the 5-unit map, he came back changing his mind."

Chair Sullivan opened the public hearing.

Bruce Tichinin, 17775 Monterey, attorney for the applicant, addressed the Commission, referencing the letter addressed to the City Attorney in which he cited specific point regarding the 5-lot micro approval, plus the 4-exempt lots totaling the requested 9-lot subdivision. He urged the Commissioners to recommend the request of the applicant to the City Council. Mr. Tichinin stated that it is not probable to submit the additional RPD zoning for the geographical area indicated. The zoning discussion, he said, should be limited to the 5-lots previously approved, coupled with the 4-lot exemption. Commissioner Weston questioned whether the applicant plans to submit a Measure P application for the total area this year? Mr. Tichinin replied that the current Measure P indication is somewhat different from this presentation. He continued that the applicant appears willing to look into a current submittal with a slight difference in configuration due to the lot line adjustment. "We believe the Commission likes the application as presented, even though some argument has been presented against it, which amounts to technical noncompliance - mainly that other applicants may have been disadvantaged." "But," he insisted, "the Commission needs to apply legal principles: has harm been done?" Mr. Tichinin said the Commissioners should disregard discrepancies in Measure P and look to the law.

Commissioner Weston asked Mr. Tichinin the basis of that statement? Mr. Tichinin replied those discrepancies had been indicated in the letter to the City Attorney.

Commissioner Mueller stated that at the last meeting (December 4, 2001) that the Commission had asked for a geographically specific area to be included in the RPD. He challenged why this had not been accomplished? "Why not?" he asked. "If the RPD had been done, the matter could have been moving on." Mr. Tichinin said the meeting of the applicant and Planning Staff had clearly shown there was a simple misunderstanding.

Mr. Tichinin requested the matter be tabled to the next meeting.

The public hearing was closed as no others present indicated a desire to address the matter.

Chair Sullivan clarified that the Commission continues to lean toward tabling the matter pending receipt of the RPD and lot layouts previously requested. Conversely, she continued, the applicant asks for immediate action on the 9-lot subdivision with RPD to be submitted at a later time.

PM Rowe reiterated that the consensus of the Planning Commissioners had been to not take action on the lot layout for the 9-lot subdivision, but to have the RPD submittal as part of the 'package'. He thought, he said, that this agreement had been reached with the consent of all parties, but the applicant changed his mind and repeatedly requested for the 9-lot layout presentation for action at this meeting. PM Rowe explained the various action options available to Commissioners, including no resolution at this time pending receipt of an opinion by the City Attorney, which would result in probable continuing of the matter to the February 12, 2002 Commission meeting.

Commissioner Mueller reiterated a previous concern that the efforts of developers continued to be a 'piece-mealing' of the area. "It was made very clear, I thought," he said, "that last time we discussed this matter that only a larger RPD would be considered for discussion in conjunction with the 5 - or 9-lot request of the applicant." Other Commissioners joined the discussion, clarifying the proposed direction of Commission thinking, which included concerns of further delays and inconsistency with previous Commission action(s).

PM Rowe said the applicant told staff that he (Mr. Jones) thought the subdivision request was separate from the RPD proposal advanced by the Commission. He (the applicant) wants consideration of the 9-lot subdivision individually and separately. PM Rowe continued that the applicant is concerned with running out of time for the stated time-line submittals.

Commissioner Lyle commented that if the applicant really wanted to go ahead, he should have returned to this meeting with the RPD. The delay, he said, is the responsibility of the applicant; the direction of the Commission had been clear and agreed to by the applicant.

Mr. Tichinin asked for and received approval to further address the Commissioners, saying, "The applicant points out that the 4-lot exemption overlaps the 5-lot micro approved submittal. He can't phrase an RPD for the entire area; the area needs to be reduced in size. The applicant has a 9-lot subdivision which needs a decision before the submittal of an RPD."

PM Rowe reminded that based on the December 4, 2001 discussion and succeeding direction of the Commission, the matter was tabled to this meeting with the expectation of the RPD submittal. If the applicant wants to coordinate that effort, the topic can be continued.

COMMISSIONERS MUELLER/McMAHON MOTIONED TO CONTINUE THE MATTER UNTIL THE NEXT MEETING (FEBRUARY 12, 2002), NOTING AN EXPECTATION THAT AN RPD FOR THE AREA EAST OF MCLAUGHLIN AVENUE AND NORTH OF E. CENTRAL AVENUE, EAST TO THE RAILROAD

TRACKS WOULD BE SUBMITTED SHOWING THE 5-UNIT SUBDIVISION, WHICH HAS BEEN APPROVED UNDER MEASURE P; THE POTENTIAL FOR DEVELOPMENT OF THE AREA; AND HOW THE APPLICANT'S PROPOSAL FITS INTO THE MASTER PLAN. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE ; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Mueller commented that the time for piece-meal development of the area must stop. Other Commissioners agreed, saying this action will set a precedence for planning of comparable areas.

PM Rowe asked for direction to staff regarding the map, if the RPD happens *not* to be ready for the next meeting. He reminded that the applicant has indicated - in no uncertain terms - that he wants a decision on the 9-lot map. Commissioners provided input indicating that the application for the subdivision proposal(s) are tied to the RPD proposal submission, stating this was reiterated, both in this current discussion and in the motion just passed.

Commissioner Lyle said, "The Commission asked for a map in December. At the very least, the applicant needs to submit a 'bare minimum' development plan at the next meeting.

Commissioner Mueller said, "All the necessary information is in-hand, the applicant needs to get it together. We can be flexible in context, for example, hand drawn versus a total drawing."

Commissioner Weston stated that with Computer Aided Drawing (CAD) programs, total drawings are faster and more accurate than sketched ones. He also asked, "How the 'process' works: if the applicant was awarded 5 units, came back with 9, but 5 were approved, what happens?"

Commissioner McMahon said it is important for presentation to be made of an RPD which shows all 9 units. "There is definitely a need for control over all the area," she said.

Commissioner Lyle said that the attorney's (Mr. Tichinin) letter was framed by questioning of state law, but ignoring the intent and content of Measure P.

Commissioner Mueller said the intent of the Commission is that the RPD and the subdivision proposal be brought to the next meeting for consideration.

NEW BUSINESS:

**2) ZA-01-13/
SD-01-07:
SUNNYSIDE-
SOUTH VALLEY
DEVELOPERS**

A request for approval of a 20 lot subdivision of a 16 acre parcel located on the north east corner of the intersection of Sunnyside Ave. and Watsonville Rd. Also requested is approval of a precise development plan for the entire 16 acre property establishing the zoning as R-1 7,000/Residential Planned Development. A mitigated negative declaration is proposed for the project.

PM Rowe presented the staff report: The applicant, South Valley Developers received

building allotments in the 2000 Measure P competition - 12 allotments for FY 2002-03 and 6 allotments for FY 2003-04 (18 total allotments in Phase I of the Quail Creek project). In November 2001, the City Council approved the development agreement for the current 21-lot subdivision request. He continued by saying that the overall project will consist of 54 units, with Phase I having 21 lots (18 building allotments, replacement of 2 existing units with 1 lot reserved for a park). Access to the project is via Sunnyside Ave. and Watsonville Rd.. The applicant, PM Rowe said, is requesting an RPD amendment to the existing R1-7,000 sq. ft. zoning district in order to seek relief from strict adherence to the minimum lot size and width requirements of the underlying zoning district. He provided "Exhibit A", which demonstrated this request.

§18.18.060 A of the Municipal code requires developers requesting an RPD overlay, for developments with 50 to 99 dwelling units, to provide a minimum of three amenities. Appropriate amenities are outlined in §18.18.070. The applicant is proposing approximately 2.69 acres of open space/park, .85 acres in the first phase, with the remainder provided in the later phases of development. In addition, under the guise of Measure P commitments, the applicant shall be required to provide a tot lot, picnic areas with shaded trellises, a basketball court and Classes I and II bicycle paths along Sunnyside Ave. and Watsonville Rd.. Six Below Market Rate (BMR) units are included in the project, with two BMRs provided in this phase of development.

PM Rowe indicated that the circulation proposed in the original presentation has been revised. The residents of the adjacent subdivision to the east have voiced concern about through traffic and traffic speeds if La Rocca was extended through to Sunnyside Ave. as a straight connection. Describing the elements of "Exhibit A", PM Rowe said that differing from the original Measure P application, the current proposal is to extend the connector street in anticipation of intersection with Sycamore, with a request for La Rocca to have a cul de sac and the new intersection being located a block to the south of the original proposal. The developer has submitted an alternative plan, moving the street connection to the north side of the project park. This revision appears to have mitigated the neighbors' concerns. The City Public Works Department, however, would like to have the street connect moved to the south side of the park to allow for longer left turn storage and potential for left turn into the project. Moving the street to the south side of the park is acceptable to the applicant, he said. A major concern, either way, PM Rowe said, is the increased safety to residents of both subdivisions with the more circuitous routing. He noted an effort to create a new intersection to Sunnyside Ave., which is a two-lane road, by minimizing intersections, with an ability to provide widening at a future time. Residents in the area, PM Rowe said, have voiced concerns with safety regarding connection of Paradise Valley and Sycamore through the neighborhood, citing increased speeds if the extensions are placed. Having been shown the elements of "Exhibit A", the neighbors and residents in the area indicate a preference for the offset connection for street installation.

Phase I, as is proposed for consideration, consists of 20 residential lots and a lot for the corner park area. There is plan for preservation of the trees which surround the property, with a requirement for submittal of a grading plan reviewed by an arborist. An acoustical analysis was completed for the project, analyzing both interior and exterior noise levels; resultant from the analysis is a requirement of a 6-foot sound wall along both Sunnyside Ave. and Watsonville Rd. To further mitigate interior noise levels, homes along those streets will need to have windows with an STC 24 rating and a mechanical ventilation

system allowing for fresh air circulation. Based on a completed environmental review, a negative declaration has been prepared.

Commissioners engaged in detailed discussion with PM Rowe and SE Creer regarding the issues raised in the staff report, emphasizing concern of the proposed location(s) of through streets and the close proximity of intersections with existing streets. Questions were asked (1) regarding the park and other amenities in the development: whether those would be restricted to development resident's usage or be open to the public? [Those owned and maintained by the Homeowner's association may be restricted with fencing; other, open areas are dedicated for public use as well.] (2) Proposed location of the 6-foot sound wall [notations on the exhibited map were given, as pathways and landscaping were highlighted in the discussion]. (3) Sidewalk, bike path, and walking pathway connections, relating the locations to a City-expressed desire for elimination of duplicative efforts for moving people. (4) Traffic calming movement policies decreed by the City Council (special interest of the Mayor). (5) The topography of the area [subdivision and surrounding area are relatively flat]. (6) Who will be responsible for landscaping outside the sound wall [HOA]. (7) The status of and location for the historical monument indicated in the original Measure P application? [During the public hearing portion of the item, Scott Schilling (applicant representative) explained that the De Anza parties were known to have traveled through this area, camping on Watsonville Road at the Creek; the plaque noting this will be placed on a walking pathway facing Sunnyside Ave.] (8) The number of houses now proposed as compared to the original application [unchanged].

Chair Sullivan opened the public hearing.

Scott Schilling, applicant representative, of 665 E. Central Ave., spoke to the issues of sound walls outside and inside the project, explaining that the 6-foot walls would be placed at the perimeter on Sunnyside Ave. and Watsonville Rd., with shorter walls being required on side yards, providing the amenity while providing a look of openness to the subdivision.

Mr. Schilling then requested the Commissioners to give attention to the Subdivision Standard Conditions (page 2, #2), where he questioned why there is a wish to have this included? He reminded that the sets of CC&Rs, By laws and Articles of Incorporation were provided to the HOA participants, expressing concern of this item. Following discussion, Commissioners decided that the item should be checked, but that final occupancy or recordation of the final map would not be delayed.

Mr. Schilling also asked deliberation on "Other Conditions" (page 17, #6 - Install full median improvements along Watsonville Rd. frontage), stating that currently there is no median and inquiring of SE Creer if such requirement would carry costs of impact fees? [Yes] Mr. Schilling also spoke on the perceived difficulties of completion of item 10, page 17 (Other Conditions: Prior to submittal of final map or improvement plan, the applicant shall receive County approval of proposed improvements on Sunnyside Ave.) Commissioners and staff agreed this might be resultant in problems and agreed to concurrent application for County approval of proposed improvements on Sunnyside Ave. SE Creer will reword that requirement to reflect the discussion agreement.

Regarding the street lay-out, Mr. Schilling indicated he has talked with the neighbors regarding the streets and other issues. He stated he is 'open' to various options of street

layouts.

Chair Sullivan asked Mr. Schilling if potential buyers would be notified if the right-of-way adjacent to the project (Sunnyside) carried the possibility of becoming four lanes of traffic [yes]. She engaged in discussion with the applicant regarding the probability of an entrance sign at the intersection noting it was a prominent gateway to the City. Mr. Schilling indicated a willingness to work to achieve an attractive status at the intersection.

Steve Johnson, 15360 La Rocca Drive, told Commissioners that he had read the staff plan and was here with other area residents to hear recommendations of the staff of "Exhibit A", as amended and presented. He was assured that any improvements to the area must meet City standards. Mr. Johnson indicated support for the plan presented in "Exhibit A", reiterating that he lives on La Rocca as do many of his neighbors who were present. He said that 45 residents who also collectively represented 65 school age children wrote letters in 2001 to the City Council and Planning Commission stating concerns that non-immediate-residential traffic would use the streets in the subdivisions as 'short cuts' if the original design was kept. Mr. Johnson further indicated that the group wants to ensure minimum speeds with the installation of traffic safety measures and want "Exhibit A" as presented or one block to the south. He was not in favor of La Rocca becoming a through street, but would prefer to have the intersection at Lot 6 with a stop sign to mirror Monticello.

Commissioner Lyle clarified potential routes in the area that non-immediate-residential traffic might travel through the neighborhood.

Kari James, 15190 Via Corfinio, spoke on the dangers of opening the road if an intersection occurred at Sunnyside Ave.

Sue Root, 15280 La Rocca, said she had purchased her home before the installation of Hamilton Square. She indicated concerns of further increased traffic volume, saying, "I hope the neighborhood streets do not become thoroughfares."

Larry Brown, 15208 Monticello Way, said he was in favor of the presentation in Exhibit A, whereby La Rocca would become a cul de sac. He indicated that as others, he is concerned about non-residential traffic increases. He asked PM Rowe if there was still consideration of having an increase in the number of proposed intersections. PM Rowe replied that more intersections would increase or heighten the number of turns made by traffic. He said, that for efficiency, good planning encourages a minimum number of intersections, keeping those as far from each other as possible. The creation of new intersections is less desirable, he said. Responding to a question, PM Rowe also said that in the plan presented, Sunnyside Ave. will be an arterial street.

With no others present wishing to speak to the issue, the public hearing was closed.

Under discussion, Commissioners turned attention to the Development Standards as presented. It was noted that within the Standard Condition item 2 on page 2 had been addressed.

E5 (page 3) should be checked to ensure that the landscaping plans receive scrutiny at the Architectural Review Board (ARB).

Page 5, item 3: As previously discussed, BMRs are part of the agreement and should be addressed by having this item checked. Again, the ARB will assume responsibility here.

Page 6, item K 4, will be unchecked as it is non applicable.

It was noted that in the prepared Negative Declaration, 51 units were listed; correction to 54 units was made.

Commissioner Lyle wanted to talk about where the road(s) should be, saying that a global examination should be proper in looking at existing and potential neighborhoods. "It's important," he said, "to see how other neighborhoods are affected with the positioning and placement of new neighborhoods." Commissioner Lyle talked about traffic patterns in the area, presenting a suggested plan indicating that "It is not necessary to change the original road layout features, I like the alignment. There is, however, a need to talk about safety impacts to neighborhoods like this." He reaffirmed his preference at this time of retaining the original street/road alignments.

Commissioner McMahon said she wanted to clarify her position regarding the traffic and intersections. She noted that some neighbors on Sunnyside complain about ingress because of increased traffic. There is a problem, she said, but it could be that either the streets/connections are not straight or there is simply an increase in traffic volume.

Commissioner Lyle said the potential for a new stop light to be installed is difficult under the provisions of Exhibit A.

Chair Sullivan asked if under the provisions of Exhibit A, there would be the viability of a right turn in and a right turn out only?

SE Creer said that the General Plan calls for a median along the area. He explained the possible scenarios for traffic turns; when asked, he spoke on the potential for installation of traffic lights in the area. He indicated that signal lights are generally not positioned less than 600 feet from one another.

Commissioner Mueller spoke on the plan as presented in the originally drawn application, the potential for future lighted signals, right turn only intersections and how access to the area is not easy now. Responding to comments he has heard, he said that it is his belief that traffic from Santa Teresa is not the main impact on the neighborhood, but the South San Jose - Gilroy commuters have a greater implication impact on traffic traveling south. Commissioner Mueller said he lives a short distance from this area and has not noticed an increase in traffic following the installation of Hamilton Square. "But," he said, "the speed issue is a biggie." When the intersection is moved, access to Sunnyside/future Santa Teresa becomes an issue, he commented..

Chair Sullivan questioned whether it would be possible to build future street changes into the plan? Scott Schilling was asked to address the issue. He responded with discussion of redesign/relocation of facilities and the topic of fencing of the facilities.

An informational poll regarding Exhibit A (street road connections only) of the Commissioners produced the results:

Making La Rocca a through street: support from Commissioners Lyle and

Weston; Commissioner Acevedo said he would support this option if stop signs were installed.

Intersections as shown: Commissioners McMahon, Benich (who subsequently preferred a different plan)

Intersection one block to the south: Chair Sullivan, Commissioner Mueller

Exhibit A with intersection one block to the south: Planning Staff

SE Creer noted that there is not equal distance for the new street intersection between Watsonville Rd. and Sycamore. In addition, there is a left turn into the subdivision, so ultimate flexibility for entrances. He indicated opposition to the intersection as shown, indicating to the new intersection to the north of the park, as there would be no left turn(s) allowable.

Discussion ensued regarding the ability to get into the current and proposed neighborhoods.

COMMISSIONERS LYLE/McMAHON MOTIONED APPROVAL OF THE NEGATIVE DECLARATION, WITH THE CHANGE OF NUMBER OF UNITS FROM 51 TO 54. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, McMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE ; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Mueller directed a question to SE Creer in asking for explanation of options for speed control in the area. [None. SE Creer said stop signs are not a speed deterrent, so are not considered to be options. SE Creer also informed the Commissioners of the plan to place a 'traffic calming' plan into effect and that there was an effort currently under way to secure a Consultant for that proposal. He gave several illustrations of traffic calming measures.] Commissioner Mueller also spoke on the liability of local measures to install speed bumps. SE Creer told the Commissioners that such installations in other cities had not proven successful and many were now reversing decisions for those installations and actually removing the placements. Responding to a question regarding when it could be expected that a lighted signal would be placed in the area, SE Creer said, "20 years." In discussing traffic alternatives to the project, it was noted that it would be possible to have direct access to the park from Santa Teresa, resulting in greater impacts on the neighborhood.

Chair Sullivan commented this is a "tough notion": the current neighborhood wants to cut through the new neighborhood. Commissioner Mueller said he believes the speed issue on La Rocca, if the street goes through, will be as it is on Via Confino. He continued by stating that a couple of stop signs may make a big difference. He's heard the numbers, he indicated, and still doesn't think the through traffic as bad, but remains concerned regarding the potential for increased speed. He followed up by stating that he believes La Rocca would be best as a through street, questioning if a better option would be speed control on La Rocca with the installation of a "couple of stop signs at targeted locations".

Commissioner Weston said he believes the issues raised are problems throughout the City and are very difficult to deal with. He noted an option would be to have a cul de sac by the park, but Mr. Schilling commented this would not be as feasible as some of the other options while reiterating his willingness to "do what is best".

At this point, Commissioners Lyle and Weston showed support for having La Rocca a through street, with Commissioner Acevedo saying that to have the cul de sac by the park is the “lesser of the evils”.

Commissioner McMahon commented that it may be time to take a new view of La Rocca, questioning whether, indeed, the best option might be to control speed on Sunnyside with the installation of a traffic light. She commented that now the best option for La Rocca is the speed control on Sunnyside, which would offer control of speeders in both directions.

Commissioner Benich stated that he leans toward having La Rocca a through street.

Chair Sullivan took a straw vote at this time with the following results:

- Strong support for La Rocca a through street: Commissioners Lyle and Weston
- Moderate support for La Rocca a through street: Commissioners McMahon, Benich, Acevedo..
- Soft support on having La Rocca as a cul de sac: Sullivan, Mueller (both felt an intersection one block to the south with a cul de sac on La Rocca to be OK).

COMMISSIONERS LYLE/ACEVEDO MOTIONED ADOPTION OF RESOLUTION NO. 02-05, RECOMMENDING APPROVAL, DELETING THE SECOND SENTENCE IN SECTION 5, OF A PRECISE DEVELOPMENT PLAN FOR A 54 UNIT R-1 7,000/RPD SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT, LOCATED ON THE NORTH EAST CORNER OF THE INTERSECTION OF SUNNYSIDE AVE. AND WATSONVILLE RD. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE ; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONERS LYLE/BENICH OFFERED RESOLUTION NO. 02-06, WITH THE AMENDED CONDITIONS AS DELINEATED IN DISCUSSION AND REWORDING OF #10 (OTHER CONDITIONS), APPROVING A 21-LOT SUBDIVISION ON A PORTION OF A 15.72-ACRE SITE, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF SUNNYSIDE AVE. AND WATSONVILLE RD. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE ; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Acevedo was excused at this time.

**3) ZA-01-20:
TENNANT-
SAFEWAY**

A request for approval of an amendment to the precise development plan for a 21.34 acre shopping center located on the south east corner of the intersection of Tennant Ave. and Monterey Rd. The PUD amendment will allow for the reconstruction and addition to an existing shopping center. A mitigated negative declaration is proposed for the project.

PM Rowe presented the staff report, saying the request is to amend the precise development plan for Tennant Station to allow for the construction of a 54,799 sq. ft. grocery store, a 7,000 sq. ft. office building, and a 14-pump fuel center. He indicated

the proposal included an intent to essentially build a new intersection providing alignment with the street opposite (Church). PM Rowe called attention to the fuel station location, noting this would be changed from pad 5 where it is now proposed the office building be located. The fueling station, he said, would be at the corner of the project, at the intersection. PM Rowe took care to explain the inherent issues of landscaping the project, a center he said had fallen into disarray some years previous. This project, he indicated would provide rejuvenation to the area, and provide the opportunity for enhancing landscaping of the City streets, as well. This new plan provides much better balanced parking throughout the center, but a concern remains regarding the on-site circulation with the location of the fuel center at the corner instead of on pad 5. PM Rowe continued to discuss the merits of the plan with the presentation of the various business locations. He called attention that a renovated/expanded 7,000 sq. ft. theater had been withdrawn from the plan as originally presented. However, PM Rowe emphasized that this proposal presented an "opportunity to breathe life into a troubled center".

PM Rowe continued by indicating that with regard to the location of the fuel center, pad 5 would be superior, but due to parking concerns, the anchor tenant (Safeway) wanted the fuel center on the corner. Pad 5 is proposed to be utilized for the office building. The fuel center at the corner, according to the applicant provides for greater visibility and the development agreements are predicated on the fuel center being on the corner.

Parking concerns were addressed in the staff report by PM Rowe, as well. He detailed the proposed traffic circulation patterns within the center, noting the efficiency of ingress/egress in specified areas.

PM Rowe also highlighted the pros and cons of the locations (both the corner and pad 5) of the fuel station.

"Tonight, a revision of the plan regarding the location of the fuel station/office building/parking would be presented by the applicant," PM Rowe told the Commissioners. "Issues such as landscaping of the perimeter, island planters (located in a new parking lot), lighting (some issues of security have been raised by the Police Department) and upgrading landscaping throughout the center will be presented by the applicant's architect." Members of the Commission expressed displeasure at having the information presented in this manner, questioning why such data was not forthcoming with the mailed packets? PM Rowe explained that the applicant had received staff comments just prior to the Christmas holiday and that this had delayed their response to the comments. Commissioners agreed to listen, but continued to communicate consternation.

Further information regarding access to the center was received from SE Creer as he was asked to provide detail of entrance/exit capabilities of the location. Commissioners asked if a traffic report would be forthcoming [it will be presented along with a conditional use permit]; landscaping width at Tennant and Monterey [about 20'; 15 feet further out]; whether access to the center is possible from Vineyard? [yes]; potential traffic circulation pattern(s) if the fuel station were located on pad 5 and customers were traveling west on Tennant [there would be a dedicated pocket for left turn ins, with exit for westbound to Vineyard followed by U-turn capabilities].

Commissioners reiterated that they want all materials with the packet for review prior to

a meeting. PM Rowe again addressed the difficulties encountered in this instance.

Chair Sullivan opened the public hearing.

Galen Grant, 301 Hartz Ave. #213, Danville, architect for the project, addressed the Commissioners, noting that a long list of staff concerns had been received at the end of December, detailing how those concerns had been addressed to and with staff. Mr. Grant perceived that key issues of the project include:

- location of the fuel station; he detailed the changes made in response to City concerns, then expounded on the design of an architectural statement at the corner location, which he claimed was being achieved with the design of the fuel station.
- the median at the main entry which shows an 8' wide landscape area
- added pedestrian lighting
- trash handling especially designed for pad 3
- increased numbers of trash enclosures
- parking area in front of Safeway location is being updated with changes proposed outlined [currently not in conformity with City regulations - to be changed]
- modification of cart corrals
- unification of architectural design of Safeway with the rest of the center [glass block design expansion explained]
- increased detail for the screen wall at the returnables and loading docks
- traffic lanes beside Safeway location, including truck delivery abilities
- need for suitable access for fire trucks
- need for pad connection alongside the Safeway location

In his presentation, Mr. Grant addressed each of the issues identified, answering questions and concerns raised by the Commissioners during the presentation. He spoke of the large expanse of roof, indicating a desire to emphasize, but offering alternatives of design as well.

The redesigned driveway entrance on Vineyard Blvd. was addressed when Commissioner Mueller stated a concern, "People have been using this center for 20 years, and they generally use the entrance which is now proposed to be 'narrowed down'."

Commissioner Lyle raised the issue of the proposed lettering of the business announcements, expressing concern that the proposed signage is very large.

Issues of:

- elevations facing the aisle drives
- proposed changes to aisle drives
- wall mounted light standards
- trellis enhancement additions
- trees at the curbs

were all discussed.

Jeff Lee, San Luis Obispo, is the architect for the fuel center with Mr. Grant being consultant to the design. Mr. Lee spoke to the design and location of the fuel station. He emphasized the retention of landscaping at the corner. The height of the canopy at the fuel

station was discussed, as well.

Location and detail of the kiosk was presented, as well as the location of public restroom facilities and placement of trash enclosures at the site.

Mr. Lee addressed the issues of the facing on the canopy, noting the need for support and redesign of signage. Scale of design at the fuel center was discussed.

With no other comments forthcoming, the public hearing was closed.

Commissioners engaged in discussion regarding the various merits and detriments of the plan as they perceived them. Much of the discussion was on the fuel center location. Four Commissioners were strongly opposed to the Monterey/Tennant location for the gas station. Commissioners Benich and Lyle felt there should be no gas station in the shopping center. Commissioner Weston was acceptable of the corner location, but felt that the design and amended site plan were totally unacceptable.

Chair Sullivan also favored the fuel station at the corner, but *only* if the Safeway store were located where Rosso's Store is presently. Chair Sullivan felt that the overall shopping center plan was unacceptable, indicating that if approved as proposed, further expansion of the movie theaters would be precluded. She stated the east side of the shopping center would be under parked in the proposed plan.

The Commissioners indicated a preference for continuing this discussion to another meeting, citing the need for more time to review project details and the proposed PUD guidelines. Representatives of the applicant provided clear input that a revised site plan relocating the gas station would not be forthcoming. The Commission voted 5-1 to recommend approval of the PUD amendment with the gas station to be located on Tennant Avenue and the office building to be located at the corner of Tennant and Monterey Road by the following action:

COMMISSIONERS LYLE/BENICH MOTIONED TO CONTINUE THE MATTER TO THE FEBRUARY 12, 2002 MEETING. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, SULLIVAN, WESTON; NOES: MUELLER ; ABSTAIN: NONE; ABSENT: ACEVEDO.

Commissioner Mueller asked if it would be better to consider a special meeting to study and discuss this issue? His concern was indicated by stating that this may be a key decision for the center. "I'd hate to put 3 - 4 weeks delay into the process if time is an urgency in going forward," Commissioner Mueller observed.

PM Rowe interjected that the applicant has asked that a vote be taken now. "The applicant," he said, feels that the key to the project is the location of the fuel station."

Commissioner Mueller wondered as to the viability of reconsideration of the motion to table, saying, "If there is a major disagreement on the part of the Commissioners to vote as recommended by Staff, we need to be clear on our position." He asked PM Rowe about the possibility of sending the matter for resolution; whether it would be possible to have Planning Commission consideration of the development agreement, use plan, etc.

PM Rowe said that if the matter went to the Council, only the conditional use permit would be brought to the Commission for action.

COMMISSIONER BENICH WITHDREW THE SECOND FROM THE PREVIOUS MOTION. ACCORDINGLY, COMMISSIONER LYLE RESCINDED THE MOTION.

COMMISSIONERS MUELLER/BENICH MOVED APPROVAL OF RESOLUTION NO. 02-07 INCLUSIVE OF THE MODIFICATIONS: CORRECTING THE NUMBERING OF THE RESOLUTION 67, CORRECTLY NUMBERING THE SECTIONS [DELETE THE 2ND 4, CAUSING THAT TO BECOME SECTION 5] WITH A CORRECTION IN NEW SECTION 5, TO READ ...AS AMENDED BY SECTION 4...AND ADDING A NEW SECTION 6 WHICH READS:

THERE IS MAJOR CONFLICT BETWEEN THE APPLICANT AND THE PLANNING COMMISSION REGARDING THE FUEL STATION LOCATION. THIS MATTER IS BEING SENT TO THE CITY COUNCIL FOR RESOLUTION OF THAT CONFLICT (WHETHER THE FUEL STATION WILL BE LOCATED ON LOT 5 - THE PREFERENCE OF THE MAJORITY OF THE COMMISSION - OR AT THE CORNER OF THE CENTER. THE COMMISSION FURTHER REQUESTS THAT HAVING MADE THAT DECISION, THE COUNCIL RETURN THE MATTER TO THE COMMISSION FOR DISCUSSION AND RECOMMENDATION OF OTHER ISSUES.

THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: BENICH, LYLE, MCMAHON, SULLIVAN, WESTON; NOES: MUELLER ; ABSTAIN: NONE; ABSENT: ACEVEDO.

Commissioner Acevedo rejoined the meeting and was seated on the dais.

**4. ZA-01-24:
CITY OF M.H.-
ZONING TEXT
AMENDMENT/
FENCE HEIGHT**

A proposed amendment to Section 18.56.150 of the Morgan Hill Municipal Code to allow an exception to the three (3) foot maximum fence height for fences located to the front of the front building setback line. The proposed amendment would allow a fence height to be increased to a maximum of six (6) feet in the OS, Open Space and Residential Estate 10 acre, 100,000 and 40,000 zoning districts.

PM Rowe presented an abbreviated overview of the matter, as Commissioners expressed concern over the lateness of the hour.

Chair Sullivan opened the public hearing. With no one present to address the issue, the public hearing was closed.

COMMISSIONERS MCMAHON/ACEVEDO MOTIONED TO CONTINUE THE MATTER TO THE FEBRUARY 12, 2002 MEETING. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

Item 6 was considered at this time in response to a request by Commissioners.

6) METHODOLOGY FOR ASSIGNING POINTS FOR OVERALL PRODUCT EXCELLENCE UNDER THE QUALITY OF CONSTRUCTION CATEGORY OF MEASURE P

Because of the lateness of the hour, **COMMISSIONERS ACEVEDO/McMAHON MOTIONED TO CONTINUE THE MATTER TO FEBRUARY 12, 2002. THE MOTION PASSED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

The regular order of business was resumed, with Commissioner Weston being excused for the ensuing discussion.

5) DISCUSSION OF THE MORGAN HILL UNIFIED SCHOOL DISTRICT SECOND COMPREHENSIVE HIGH SCHOOL SUPPLEMENTAL DRAFT EIR

PM Rowe presented the staff report seeking comments from the Commissioners for inclusion into the response being prepared by the City, noting the public comment period ends February 13 2002. Because the next Commission meeting is the 12th of February, comments are being solicited at this meeting. PM Rowe called attention to the attendance at this meeting of Martell Taylor, MHUSD Director of Facilities, who had been instrumental in providing technical advice to the preparation of the Draft EIR.

PM Rowe reported the proposed project is the acquisition of 27.1 acres on the north side of Burnett Avenue, east of the Hacienda Mobile Home Park. He stated that the phased construction of a master planned, 2,500-student 9 - 12 high school based on a revised site plan, and amendments to the City of Morgan Hill urban growth boundary, urban service area, and city limits. Approximately 75 acres of the combined 151.7 acres would be sold to the City of San Jose and dedicated for open space.

PM Rowe noted that the lateness of the hour might preclude full discussion and urged Commissioners to contact him by e-mail for any comments not voiced during the discussion this evening, as the City report will most likely be considered by the City Council February 6, 2002.

Commissioner Mueller indicated uncertainty regarding the timing of the noise study, as there appeared conflict on the size of the new site. He also noted there was no indication of noise measurement on the east side of the mobile park, stating this was of special concern as Commissioners have several times indicated interest regarding the park which is inhabited by senior citizens. Commissioner Mueller continued that the noise study does not make mention of the times when students are on break or having lunch, both known to indicate heightened noise. He also said there needs to be clear language regarding the direction the amphitheater will face.

Other Commissioners raised concerns of:

The existence of a lighted football field [no, the Live Oak field will serve as the District's football field]

Positioning of bleachers at the practice fields [none are planned]

The potential for minimum lighting at the softball fields [Mr. Taylor said the plan is uncertain regarding this]

Inclusion of projected traffic volume increases due to the construction of the Catholic High School; when it was determined the exclusion of this data, it was pointed out that the table included in the traffic section is misleading.

Design of the buildings, e.g., if the buildings aligned east to west have gaps between, the buildings may funnel the noise directly to the senior community.

The lack of a comprehensive noise study for the new site - and the information presented is erroneous in the Burnett right-of-way data. The right-of-way is stated as being 25 feet when in actuality it is 10-feet.

Internal circulation of the project is poor.

The traffic study should include information regarding the impact to the trailers in the mobile home park with the passage of time, i.e., ~~as residents age~~ with increased enrollment, attendance and activities at the school.

Non-pertinent data is presented in the comparison on pages 3.3 and 3.5; this is an erroneous comparison.

Commissioner McMahon was excused.

Commissioner Lyle's presentation to the Commissioners illustrated the differences in how the study understates what the traffic mitigation should be.

Commissioner Acevedo questioned items in the staff report dealing with the Hacienda and Madrone Mobile Home sites, regarding the recommendation of a traffic signal in the area. PM Rowe explained the recommendation and the rationale used for staff in the direction suggested. Commissioners concurred with the recommendation.

Having reached the conclusion of the discussion, Commissioners asked Commissioner Weston to return to the dias.

ANNOUNCEMENTS:

Commissioners Acevedo and Mueller anticipate attendance at the Chamber of Commerce Economic Stimulus Workshop on Thursday, January 24.

Commissioners Acevedo and Lyle are scheduled to attend the Down Town Task Force on the 29th at 7:00 a.m.

PM Rowe reported that the City Council had approved plans for the Nina Lane/Shaw and Condit P.U.D. matters as recommended by the Planning Commission.

ADJOURNMENT: There being no further business, Chair Sullivan adjourned the meeting at 11:46 p.m

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk

